

PATENT COOPERATION TREATY

PCT

REC'D 11 APR 2006

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P67878PC00	FOR FURTHER ACTION		See Form PCT/IPEA/416																
International application No. PCT/NL2005/000048	International filing date (day/month/year) 24.01.2005	Priority date (day/month/year) 23.01.2004																	
International Patent Classification (IPC) or national classification and IPC INV. B60R11/02 B60H1/24																			
Applicant NEDERLANDSE ORGANISATIE VOOR TOEGEPAST...																			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																			
<p>4. This report contains indications relating to the following items:</p> <table> <tbody> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of Invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </tbody> </table>				<input checked="" type="checkbox"/> Box No. I	Basis of the report	<input type="checkbox"/> Box No. II	Priority	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of Invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/> Box No. VI	Certain documents cited	<input type="checkbox"/> Box No. VII	Certain defects in the international application	<input type="checkbox"/> Box No. VIII	Certain observations on the international application
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<input type="checkbox"/> Box No. VIII	Certain observations on the international application																		
Date of submission of the demand 23.11.2005	Date of completion of this report 11.04.2006																		
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized officer D'Sylva, C Telephone No. +31 70 340-2745 																		

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/NL2005/000048

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language english, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
- 2: With regard to the elements* of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

Description, Pages

1, 3-9	as originally filed
2	received on 23.11.2005 with letter of 23.11.2005

Claims, Numbers

2, 4-11, 13-21	as originally filed
1, 3, 12	received on 23.11.2005 with letter of 23.11.2005

Drawings, Sheets

1/2, 2/2	as originally filed
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a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (specify):
 - any table(s) related to sequence listing (specify):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages
 the claims, Nos.
 the drawings, sheets/figs
 the sequence listing (specify):
 any table(s) related to sequence listing (specify):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-21
	No: Claims	
Inventive step (IS)	Yes: Claims	1-21
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-21
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

**INTERNATIONAL PRELIMINARY
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International application No.
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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

- D1: DE 101 63 051 A1 (DAIMLERCHRYSLER AG) 10 July 2003 (2003-07-10)
D2: PATENT ABSTRACTS OF JAPAN vol. 0110, no. 14 (M-553), 14 January 1987
(1987-01-14) & JP 61 188243 A (MITSUBISHI ELECTRIC CORP), 21 August 1986
(1986-08-21)
D3: FR-A-2 620 293 (CAILLEAU MICHEL) 10 March 1989 (1989-03-10)

1. Novelty;

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document):
a method for the emission of an air current in the direction of the **neck of a user, from the rear of the head**, wherein air emitting means emit an air current from at least one air emitting position which is fixed relative to the respective sound emitting position;

The subject-matter of claim 1 differs from this known method in that;

- the emission of the air current is in the direction of the **breathing zone**;
- the sound emitting means, comprising a loud speaker, emit sound from at least one sound emitting position adjustable by the user, and the user brings the sound emitting position in accordance with the position of his/her ear by optimization of the received sound.

Remarks;

- D1 teaches the emission of warm air from the seatback or the headrest towards the neck on the back side, the shoulders and head but does not at all teach the emission of air in the direction of the breathing zone, i.e. the frontal part of the head.
- As for claims 3 and 12, the main difference with the subject-matter of claim 1 also remains the emission of the air current in the direction of the breathing zone of a user.

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The subject-matter of claims 1, 3 and 12 is therefore new (Article 33(2) PCT).

2. Inventive step;

2.1 As for claim 1;

The problems to be solved by the present invention may be regarded as emitting the air current in the direction of the breathing zone and bringing the loud speaker means in accordance with the position of the ear by optimization of the received sound.

D2 solves the problem of bringing the loud speaker means in accordance with the position of the ear by optimization of the received sound by means of speaker sections, coupled to both the left and right sides of each head rest section by means of a movable body device; no air emitting device is suggested in documents D2 or D3, nor any sound emitting device in D1; additionnally, should the air emitting device of D1 be installed on the head rest of D2, the air emitting position would not be fixed relative to the respective sound emitting position; this would be contradictory with claim 1 wherein the air emitting position is fixed relative to the respective sound emitting position.

As specified above, D3, cited as representative of the concept of a headrest comprising fixedly integrated loud speakers, does not suggest the integration in this headrest of any air emitting means. The combination of the two devices , air emitting means and sound emitting means is therefore not obvious for the person skilled in the art.

2.2 As for claims 3 and 12 ; same reasoning applies to these claims.

3. Novelty and inventive step; dependent claims;

Claims 2, 4 to 11 an 13 to 21 are dependent on claim 1, 3, and 12 respectively and as such also meet the requirements of the PCT with respect to novelty and inventive step.

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4. Industrial applicability; automotive industry, in particular.

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(45)

on the assumption that, if the seat is provided with "sound emitting means" such as, for instance, loudspeakers connected to the seat or integrated therein and intended for individual transmission of sound - for instance the sound of a television film in an airplane - the user/passenger will want to set 5 the position of this sound emitting source or these sources relative to his/her head such that the received sound is optimal, the more so since the sound is emitted rather softly to prevent noise nuisance to the surrounding passengers. The passenger will further direct his efforts to dampening ambient sounds as much as possible by means of, for instance, dampening material around the 10 source of emission. As the passenger will want to set the position of head and loudspeakers to optimal sound reception, an "incentive" is created to simultaneously set the air emission means having to provide the passenger individually with outflowing fresh air to be optimal, that is, by giving the air 15 outflow opening(s) a fixed position relative to the position of the sound source(s), all this in accordance with the mutual position of the breathing zone and ears of an average passenger.

It is noted that the German patent publication DE 101 63 051 discloses a seat in an open car, wherein a headrest of the seat is provided with a fan, fan channels and a heating element for generating a heated air flow near 20 the head of the car driver.

Preferably, the sound will be emitted in stereo by a left side and a right side sound member. The air current can then be emitted to the breathing zone of the user from a left side and/or a right side outflow position, fixed in accordance with the mutual position of the breathing zone with respect to the 25 left or right ear, respectively, of an average user. When the user brings the emission position for both the left side sound channel and the right side sound channel in accordance with the position of his ears by optimization of the

New Page 2a

received sound, then, the air current openings too will be brought in the proximity of the breathing zone. When only one of the channels is listened to, then too, the fresh air current will be blown out at the correct position, i.e. via the outlet opening that is fixedly connected to the sound emitter that indeed is used.

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24. 11. 2005

(45)

New Claims

1. A method for the emission of an air current in the direction of the breathing zone (9) of a user (10), wherein sound emitting means (5, 6), comprising a loudspeaker, emit sound from at least one sound emitting position (a, b) adjustable by the user;
5 air emitting means (7, 8) emit an air current from at least one air emitting position (c, d) which is fixed relative to the respective sound emitting position (a, b);
the user brings the sound emitting position in accordance with the position of his/her ear (11, 12) by optimization of the received sound.
10
2. A method according to claim 1, wherein the sound to the left ear (11) of the user is emitted by a left side sound emitting member (5) from a left side sound emitting position (a) and/or the sound to the right ear of the user is emitted by a right side sound emitting member from a right side sound emitting position (b);
15 the air current to the breathing zone (9) of the user is emitted from a left side air emitting member (7) from a left side air emitting position (c), a right side air emitting member (8) from a right side air emitting position (d), respectively;
20 the left side air emitting position (c) is fixed relative to the left side sound emitting position (a) in accordance with the mutual position of the breathing zone (9) relative to the left ear (11) of an average user, the right side air emitting position (d) is fixed relative to the right side sound emitting position (b) in accordance with the mutual position of the breathing zone (9) relative to the right ear (12) of an average user, respectively;
25

the user (10) brings the left side sound emitting position (a) and the right side sound emitting position (b), respectively, in accordance with the position of his/her left, right ear (11, 12) respectively, by optimization of the received sound.

5 3. A seat, comprising sound emitting means (5, 6), comprising a loudspeaker, suitable for the emission of sound in the proximity of an ear (11, 12) of a respective user (10)-of-the-seat, which sound emitting means are coupled to air emitting means (7, 8) suitable for the emission of an air current in the proximity of the breathing zone (9) of this same user.

10 4. A seat according to claim 3, wherein the sound emitting and the air emitting means are included in, or connected to a headrest forming part of the seat.

5. A seat according to claim 3, wherein the sound emitting means comprise a left side sound emitting member (5) and/or a right side sound emitting member (6) for the emission of sound in the proximity of the left and right ear (11, 12), respectively, of the user, the air emitting means comprising a left side air emitting member (7) and a right side air emitting member (8), respectively, for the emission of an air current in the proximity of the breathing zone (9) of the user.

20 6. A seat according to claims 4 and 5, wherein the headrest comprises a left and a right lateral element (2, 3).

7. A seat according to claim 6, wherein the left side sound emitting member (5) and the left side air emitting member (7) are included in the left lateral element (2) and the right side sound emitting member (6) and the right side air emitting member (8) are included in the right lateral element (3).

25 8. A seat according to claim 6, wherein the orientation of at least one of the lateral elements (2, 3) is laterally adjustable and/or adjustable forwards and backwards and/or height-adjustable.

9. A seat according to claim 8, provided with first regulating means for regulating the intensity of the sound emission and/or the air emission depending on the orientation of the respective lateral element.

10. A seat according to claim 9, wherein the first regulating means are suitable for interrupting the sound emission and/or air emission when the respective lateral element is in a particular orientation.

11. A seat according to claim 8, provided with second regulating means for regulating the direction in which the air current is emitted via the air emitting members (7, 8), depending on the orientation of the respective lateral elements (2, 3).

12. A headrest, comprising sound emitting means (5, 6), comprising a loudspeaker, suitable for the emission of sound in the proximity of an ear (11, 12) of a respective user (10), which sound emitting means are coupled to air emitting means (7, 8) suitable for the emission of an air current in the proximity of the breathing zone (9) of this same user.

13. A headrest according to claim 12, wherein the sound emitting means comprise a left side sound emitting member (5) and/or a right side sound emitting member (6) for the emission of sound in the proximity of the left and right ear (11, 12), respectively, of the user, and wherein the air emitting means comprise a left side air emitting member (7) and a right side air emitting member (8), respectively, for the emission of an air current in the proximity of the breathing zone (9) of the user.

14. A headrest according to claim 12, comprising a left and a right lateral element (2, 3).

15. A headrest according to claim 14, wherein the left side sound emitting member (5) and the left side air emitting member (7) are included in the left lateral element (2) and the right side sound emitting member (6) and the right side air emitting member (8) are included in the right lateral element (3).

16. A headrest according to claim 14, wherein the orientation of at least one of the lateral elements (2, 3) is laterally adjustable and/or adjustable forwards and backwards and/or height-adjustable.
17. A headrest according to claim 16, provided with first regulating means for regulating the intensity of the sound emission and/or air emission depending on the orientation of the respective lateral element.
18. A headrest according to claim 17, wherein the first regulating means are suitable for interrupting the sound emission and/or air emission when the respective lateral element is in a particular orientation.
19. A headrest according to claim 16, provided with second regulating means for regulating the direction in which the air current is emitted via the air emitting members (7, 8) depending on the orientation of the respective lateral elements (2, 3).
20. A headrest according to any one of claims 12 – 19, wherein the position of at least one of the air emitting means is invariant relative to the position of one of the sound emitting means.
21. A seat according to any one of claims 3 – 11, wherein the position of at least one of the air emitting means is invariant relative to the position of one of the sound emitting means.



An das Europäische Patentamt

To the European Patent Office

A l'Office européen des brevets

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Zur Kasse €

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**Eintritt in die europäische Phase
(EPA als Bestimmungsamt oder ausgewähltes Amt)****Entry into the European phase
(EPO as designated or elected Office)****Entrée dans la phase européenne
(l'OEB agissant en qualité d'office désigné ou élu)**

Europäische Anmeldenummer oder, falls nicht bekannt, PCT-Aktenzeichen oder PCT-Veröffentlichungsnummer		European application number, or, if not known, PCT application or publication number PCT/NL2005/000048 05704578.3	Numéro de dépôt de la demande de brevet européen ou, à défaut, numéro de dépôt PCT ou de publication PCT
Zeichen des Anmelders oder Vertreters (max. 15 Positionen)		Applicant's or representative's reference (max. 15 spaces) P67878EP00	Référence du demandeur ou du mandataire (15 caractères ou espaces au maximum)
<input checked="" type="checkbox"/> 1. Anmelder Die Angaben über den (die) Anmelder sind in der internationalen Veröffentlichung enthalten oder vom Internationalen Büro nach der internationalen Veröffentlichung vermerkt worden.		1. Applicant Indications concerning the applicant(s) are contained in the international publication or recorded by the International Bureau after the international publication.	1. Demandeur Les indications concernant le(s) demandeur(s) figurent dans la publication internationale ou ont été enregistrées par le Bureau international après la publication internationale.
<input type="checkbox"/> Änderungen, die das Internationale Büro noch nicht vermerkt hat, sind auf einem Zusatzblatt angegeben.		Changes which have not yet been recorded by the International Bureau are set out on an additional sheet.	Les changements qui n'ont pas encore été enregistrés par le Bureau international sont indiqués sur une feuille additionnelle.
Zustellanschrift (siehe Merkblatt II, 1)		EPO - DG (see Notes II, 1)	Adresse pour la correspondance (voir notice II, 1)
21.07.2006			
2. Vertreter Name (Nur einen Vertreter angeben, der in das europäische Patentregister eingetragen und an den zugestellt wird)		2. Representative Name (Name only one representative who will be listed in the Register of European Patents and to whom notification will be made) Mr Drs C.J.J. van Loon, cs Address of place of business c/o VEREENIGDE Johan de Wittlaan 7 2517 JR The Hague	2. Mandataire Nom (N'indiquer qu'un seul mandataire, qui sera inscrit au Registre européen des brevets et auquel signification sera faite) Adresse professionnelle
Geschäftsanschrift			
Telefon			Téléphone
Telefax	Telex	Fax 070-4166799	Telex
<input checked="" type="checkbox"/> Weitere(r) Vertreter auf Zusatzblatt		Additional representative(s) on additional sheet	Autre(s) mandataire(s) sur une feuille additionnelle
3. Vollmacht <input type="checkbox"/> Einzelvollmacht ist beigelegt. <input type="checkbox"/> Allgemeine Vollmacht ist registriert unter Nummer: <input type="checkbox"/> Allgemeine Vollmacht ist eingereicht, aber noch nicht registriert. <input type="checkbox"/> Die beim EPA als PCT-Anmeldeamt eingereichte Vollmacht schließt ausdrücklich die europäische Phase ein.		3. Authorisation Individual authorisation is attached. General authorisation has been registered under No: A general authorisation has been filed, but not yet registered. The authorisation filed with the EPO as PCT receiving Office expressly includes the European phase.	3. Pouvoir Un pouvoir spécial est joint. Un pouvoir général a été enregistré sous le n°: Un pouvoir général a été déposé, mais n'est pas encore enregistré. Le pouvoir général déposé à l'OEB agissant en qualité d'office récepteur au titre du PCT s'applique expressément à la phase européenne.

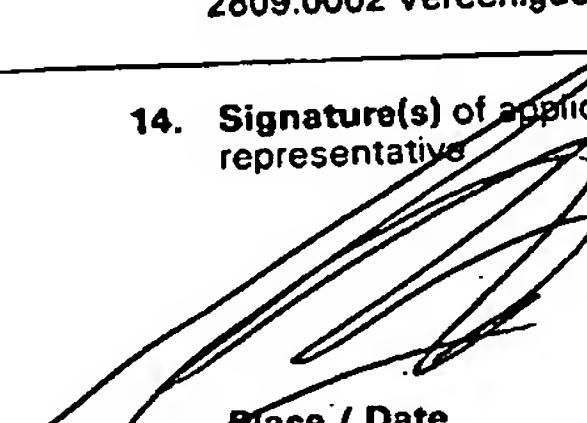
<input checked="" type="checkbox"/>	4. Prüfungsantrag Hiermit wird die Prüfung der Anmeldung gemäß Art. 94 EPU beantragt. Die Prüfungsgebühr wird (wurde) entrichtet.	4. Request for examination Examination of the application under Art. 94 EPC is hereby requested. The examination fee is being (has been, will be) paid.	4. Requête en examen Il est demandé que soit examinée la demande de brevet conformément à l'art. 94 CBE. Il est (a été, sera) procédé au paiement de la taxe d'examen.
Prüfungsantrag in einer zugelassenen Nichtamtssprache (siehe Merkblatt III, 5.2):		Request for examination in an admissible non-EPO language (see Notes III, 5.2):	Requête en examen dans une langue non officielle autorisée (voir notice III, 5.2):
		Verzocht wordt om onderzoek van de aanvraag zoals bedoeld in Art. 94	
<input type="checkbox"/>	5. Abschriften Zusätzliche Abschrift(en) der im ergänzenden europäischen Recherchenbericht angeführten Schriftstücke wird (werden) beantragt.	5. Copies Additional copy (copies) of the documents cited in the supplementary European search report is (are) requested.	5. Copies Prière de fournir une ou plusieurs copies supplémentaires des documents cités dans le rapport complémentaire de recherche européenne.
Anzahl der zusätzlichen Sätze von Abschriften		Number of additional sets of copies	Nombre de jeux supplémentaires de copies
6. Für das Verfahren vor dem EPA bestimmte Unterlagen		6. Documents intended for proceedings before the EPO	6. Pièces destinées à la procédure devant l'OEB
6.1 Dem Verfahren vor dem EPA als Bestimmungsamt (PCT I) sind folgende Unterlagen zugrunde zu legen: <input checked="" type="checkbox"/> die vom Internationalen Büro veröffentlichten Anmeldungsunterlagen (mit allen Ansprüchen, Beschreibung und Zeichnungen), gegebenenfalls mit den geänderten Ansprüchen nach Art. 19 PCT <input type="checkbox"/> soweit sie nicht ersetzt werden durch die beigefügten Änderungen. <i>Falls nötig, sind Klarstellungen auf einem Zusatzblatt einzureichen!</i>		6.1 Proceedings before the EPO as designated Office (PCT I) are to be based on the following documents: the application documents published by the International Bureau (with all claims, description and drawings), where applicable with amended claims under Art. 19 PCT unless replaced by the amendments enclosed. <i>Where necessary, clarifications must be submitted on a separate sheet!</i>	6.1 La procédure devant l'OEB agissant en qualité d'office désigné (PCT I) doit se fonder sur les pièces suivantes : les pièces de la demande publiée par le Bureau international (avec toutes les revendications, la description et les dessins), éventuellement avec les revendications modifiées conformément à l'article 19 du PCT dans la mesure où elles ne sont pas remplacées par les modifications jointes. <i>Le cas échéant, des explications doivent être jointes sur une feuille additionnelle!</i>
6.2 Dem Verfahren vor dem EPA als ausgewähltem Amt (PCT II) sind folgende Unterlagen zugrunde zu legen: <input checked="" type="checkbox"/> die dem Internationalen vorläufigen Prüfungsbericht zugrunde gelegten Unterlagen, einschließlich seiner eventuellen Anlagen (Solche Anlagen müssen immer beigefügt werden) <input type="checkbox"/> soweit sie nicht ersetzt werden durch die beigefügten Änderungen. <i>Falls nötig, sind Klarstellungen auf einem Zusatzblatt einzureichen!</i>		6.2 Proceedings before the EPO as elected Office (PCT II) are to be based on the following documents: the documents on which the international preliminary examination report is based, including its possible annexes (Such annexes must always be filed) unless replaced by the amendments enclosed. <i>Where necessary, clarifications must be submitted on a separate sheet!</i>	6.2 La procédure devant l'OEB agissant en qualité d'office élu (PCT II) doit se fonder sur les pièces suivantes : les pièces sur lesquelles se fonde le rapport d'examen préliminaire international, y compris ses annexes éventuelles (De telles annexes sont toujours à joindre) dans la mesure où elles ne sont pas remplacées par les modifications jointes. <i>Le cas échéant, des explications doivent être jointes sur une feuille additionnelle!</i>
<input checked="" type="checkbox"/> Sind dem EPA als mit der internationalen vorläufigen Prüfung beauftragten Behörde Versuchsberichte zugegangen, dürfen diese dem Verfahren vor dem EPA zugrunde gelegt werden.		If the EPO as International Preliminary Examining Authority has received test reports, these may be used as the basis of proceedings before the EPO.	Si l'OEB, agissant en qualité d'administration chargée de l'examen préliminaire international, a reçu des rapports d'essais, ceux-ci peuvent constituer la base de la procédure devant l'OEB.

<p>7. Übersetzungen Beigefügt sind die nachfolgend angekreuzten Übersetzungen in einer der Amtssprachen des EPA (Deutsch, Englisch, Französisch):</p> <ul style="list-style-type: none"> <input type="checkbox"/> • Im Verfahren vor dem EPA als Bestimmungsamt oder ausgewähltem Amt (PCT I + II): <input type="checkbox"/> Übersetzung der ursprünglich eingereichten Internationalen Anmeldung (Beschreibung, Ansprüche, etwaige Textbestandteile in den Zeichnungen), der veröffentlichten Zusammenfassung, und etwaiger Angaben über biologisches Material nach Regel 13^{bis}.3 und 13^{bis}.4 PCT <input type="checkbox"/> Übersetzung der prioritätsgründenden Anmeldung(en) <input type="checkbox"/> Es wird hiermit erklärt, daß die internationale Anmeldung in ihrer ursprünglich eingereichten Fassung eine vollständige Übersetzung der früheren Anmeldung ist (Regel 38(5) EPÜ) <input type="checkbox"/> • Zusätzlich im Verfahren vor dem EPA als Bestimmungsamt (PCT II): <input type="checkbox"/> Übersetzung der nach Art. 19 PCT geänderten Ansprüche nebst Erklärung, falls diese dem Verfahren vor dem EPA zugrunde gelegt werden sollen (siehe Feld 6) <input type="checkbox"/> • Zusätzlich im Verfahren vor dem EPA als ausgewähltem Amt (PCT II): <input type="checkbox"/> Übersetzung der Anlagen zum internationalen vorläufigen Prüfungsbericht 		
<p>7. Translations Translations in one of the official languages of the EPO (English, French, German) are enclosed as crossed below:</p> <ul style="list-style-type: none"> • In proceedings before the EPO as designated or elected Office (PCT I + II): Translation of the international application (description, claims, any text in the drawings) as originally filed, of the abstract as published and of any indication under Rule 13^{bis}.3 and 13^{bis}.4 PCT regarding biological material Translation of the priority application(s) It is hereby declared that the international application as originally filed is a complete translation of the previous application (Rule 38(5) EPC) • In addition, in proceedings before the EPO as designated Office (PCT II): Translation of amended claims and any statement under Art. 19 PCT, if the claims as amended are to form the basis for the proceedings before the EPO (see Section 6) • In addition, in proceedings before the EPO as elected Office (PCT II): Translation of any annexes to the International preliminary examination report 		
<p>8. Biologisches Material Die Erfindung bezieht sich auf bzw. verwendet biologisches Material, das nach Regel 28 EPÜ hinterlegt worden ist.</p> <p><input type="checkbox"/> Die Angaben nach Regel 28(1)c) EPÜ (falls noch nicht bekannt, die Hinterlegungsstelle und das (die) Bezugszeichen (Nummer, Symbole usw.) des Hinterlegers) sind in der internationalen Veröffentlichung oder in der gemäß Feld 7 eingereichten Übersetzung enthalten auf:</p> <p>Seite(n) / Zeile(n)</p> <p><input type="checkbox"/> Die Empfangsbescheinigung(en) der Hinterlegungsstelle</p> <p><input type="checkbox"/> ist (sind) beigefügt</p> <p><input type="checkbox"/> wird (werden) nachgereicht</p> <p><input type="checkbox"/> Verzicht auf die Verpflichtung des Antragstellers nach Regel 28(3) EPÜ auf gesondertem Schriftstück</p>		
<p>8. Biological material The invention relates to and/or uses biological material deposited under Rule 28 EPC.</p> <p>The particulars referred to in Rule 28(1)(c) EPC (if not yet known, the depositary institution and the identification reference(s) (number, symbols etc.) of the depositor) are given in the international publication or in the translation submitted under Section 7 on:</p> <p>page(s) / line(s)</p> <p>The receipt(s) of deposit issued by the depositary institution</p> <p>is (are) enclosed</p> <p>will be filed at a later date</p> <p>Waiver of the right to an undertaking from the requester pursuant to Rule 28(3) EPC attached.</p>		
<p>8. Matière biologique L'invention concerne et/ou utilise de la matière biologique, déposée conformément à la règle 28 CBE.</p> <p>Les indications visées à la règle 28(1)c) CBE (si non encore connues, l'autorité de dépôt et la (les) référence(s) d'identification (numéro ou symboles etc.) du déposant) figurent dans la publication internationale ou dans une traduction produite conformément à la rubrique 7 à la / aux:</p> <p>page(s) / ligne(s)</p> <p>Le(s) récépissé(s) de dépôt délivré(s) par l'autorité de dépôt</p> <p>est (sont) joint(s)</p> <p>sera (seront) produit(s) ultérieurement</p> <p>Renonciation, sur document distinct, à l'engagement du requérant au titre de la règle 28(3) CBE.</p>		

<p>9. Nucleotid- und Aminosäure-sequenzen Die nach Regeln 5.2 und 13^{er} PCT sowie Regel 111(3) EPÜ erforderlichen Unterlagen liegen dem EPA bereits vor.</p> <p><input type="checkbox"/> Das schriftliche Sequenzprotokoll wird anliegend nachgereicht.</p> <p><input type="checkbox"/> Das Sequenzprotokoll geht nicht über den Inhalt der Anmeldung in der ursprünglich eingereichten Fassung hinaus.</p> <p><input type="checkbox"/> Der vorgeschriebene Datenträger ist beigelegt.</p> <p><input type="checkbox"/> Die auf dem Datenträger gespeicherte Information stimmt mit dem schriftlichen Sequenzprotokoll überein.</p>	<p>9. Nucleotide and amino acid sequences The items necessary in accordance with Rules 5.2 and 13^{er} PCT and Rule 111(3) EPC have already been furnished to the EPO.</p> <p>The written sequence listing is furnished herewith.</p> <p>The sequence listing does not include matter which goes beyond the content of the application as filed.</p> <p>The prescribed data carrier is enclosed.</p> <p>The information recorded on the data carrier is identical to the written sequence listing.</p>	<p>9. Séquences de nucléotides et d'acides aminés Les pièces requises selon les règles 5.2 et 13^{er} PCT et la règle 111(3) CBE ont déjà été déposées auprès de l'OEB.</p> <p>La liste de séquences écrite est produite ci-joint.</p> <p>La liste de séquences ne contient pas d'éléments s'étendant au-delà du contenu de la demande telle qu'elle a été déposée.</p> <p>Le support de données prescrit est joint.</p> <p>L'information figurant sur le support de données est identique à celle que contient la liste de séquences écrite.</p>
<p>10. Benennungsgebühren</p> <p><input checked="" type="checkbox"/> 10.1 Es ist derzeit beabsichtigt, den siebenfachen Betrag einer Benennungsgebühr zu entrichten. Damit gelten die Benennungsgebühren für alle Vertragsstaaten des EPÜ¹ als entrichtet (Art. 2 Nr. 3 GebO), soweit sie in der internationalen Anmeldung bestimmt sind².</p> <p><input type="checkbox"/> 10.2 Abweichend von der Erklärung in Nr. 10.1 ist derzeit beabsichtigt, weniger als sieben Benennungsgebühren für folgende in der internationalen Anmeldung bestimmte Vertragsstaaten des EPÜ² zu entrichten:</p> <p>(1) <input type="checkbox"/> _____</p> <p>(2) <input type="checkbox"/> _____</p> <p>(3) <input type="checkbox"/> _____</p> <p>Soweit unter Nr. 10.2 Vertragsstaaten aufgeführt sind, wird beantragt, für die dort nicht aufgeführten Vertragsstaaten von der Zustellung einer Mitteilung nach Regel 108(3) EPÜ abzusehen.</p> <p><input checked="" type="checkbox"/> 10.3 Wird ein automatischer Abbuchungsauftrag erteilt (Feld 12), so wird das EPA beauftragt, bei Ablauf der Grundfrist nach Regel 107(1)d) EPÜ den siebenfachen Betrag einer Benennungsgebühr abzubuchen. Ist eine Erklärung nach Nr. 10.2 abgegeben worden, so sollen die Benennungsgebühren nur für die dort angegebenen Vertragsstaaten abgebucht werden, sofern dem EPA nicht bis zum Ablauf der Grundfrist ein anderslautender Auftrag zugeht.</p>		
<p>10. Designation fees</p> <p>10.1 It is currently intended to pay seven times the amount of the designation fee. The designation fees for all the EPC contracting states¹ designated in the international application² are thereby deemed to have been paid (Art. 2 No. 3 RFees).</p> <p>10.2 The declaration in No. 10.1 does not apply. Instead, it is currently intended to pay fewer than seven designation fees for the following EPC contracting states² designated in the international application:</p> <p>(4) <input type="checkbox"/> _____</p> <p>(5) <input type="checkbox"/> _____</p> <p>(6) <input type="checkbox"/> _____</p> <p>If contracting states are indicated under No. 10.2, it is requested that no communication under Rule 108(3) EPC be issued for contracting states not thus indicated.</p> <p>10.3 If an automatic debit order has been issued (Section 12), the EPO is authorised, on expiry of the basic period under Rule 107(1)(d) EPC, to debit seven times the amount of the designation fee. If states are indicated under No. 10.2, the EPO will debit designation fees only for those states, unless instructed otherwise before the basic period expires.</p>		
<p>10. Taxes de désignation</p> <p>10.1 Il est actuellement envisagé de payer un montant correspondant à sept fois la taxe de désignation. Les taxes de désignation sont ainsi réputées payées pour tous les Etats contractants de la CBE¹ désignés dans la demande internationale² (art. 2, point 3 du RRT).</p> <p>10.2 Contrairement à ce qui est indiqué au n° 10.1, il est actuellement envisagé de payer moins de sept taxes de désignation pour les Etats contractants de la CBE² suivants désignés dans la demande internationale :</p> <p>Si des Etats contractants sont mentionnés au n° 10.2, prière de ne pas procéder à la signification d'une notification prévue par la règle 108(3) CBE pour les Etats contractants n'y étant pas mentionnés.</p> <p>10.3 Si un ordre de prélèvement automatique est donné (rubrique 12), il est demandé à l'OEB de prélever, à l'expiration du délai normal visé à la règle 107(1)d) CBE, un montant correspondant à sept fois la taxe de désignation. Si une déclaration a été faite au n° 10.2, les taxes de désignation ne sont à prélever que pour les Etats contractants qui y sont indiqués, sauf instruction contraire reçue par l'OEB avant l'expiration du délai normal.</p>		

¹ Stand bei Drucklegung: 27 Vertragsstaaten, und zwar: / Status when this form was printed: 27 contracting states, namely / Situation à la date d'impression : 27 Etats contractants, à savoir : AT Österreich / Austria / Autriche, BE Belgien / Belgium / Belgique, BG Bulgarien / Bulgaria / Bulgarie, CH / LI Schweiz und Liechtenstein / Switzerland and Liechtenstein / Suisse et Liechtenstein, CY Zypern / Cyprus / Chypre, CZ Tschechische Republik / Czech Republic / République tchèque, DE Deutschland / Germany / Allemagne, DK Dänemark / Denmark / Danemark, EE Estland / Estonia / Estonie, ES Spanien / Spain / Espagne, FI Finnland / Finland / Finlande, FR Frankreich / France / France, GB Vereinigtes Königreich / United Kingdom / Royaume-Uni, GR Griechenland / Greece / Grèce, HU Ungarn / Hungary / Hongrie, IE Irland / Ireland / Irlande, IT Italien / Italy / Italie, LU Luxemburg / Luxembourg / Luxembourg, MC Monaco / Monaco / Monaco, NL Niederlande / Netherlands / Pays-Bas, PT Portugal / Portugal / Portugal, RO Rumänien / Romania / Roumanie, SE Schweden / Sweden / Suède, SI Slowenien / Slovenia / Slovénie, SK Slowakische Republik / Slovak Republic / République slovaque, TR Türkei / Turkey / Turquie

² Für folgende Staaten nur möglich, falls in der internationalen Anmeldung am oder nach folgendem Tag bestimmt: Slowakische Republik, Bulgarien, Tschechische Republik und Estland: 1. Juli 2002, Slowenien: 1. Dezember 2002, Ungarn: 1. Januar 2003 und Rumänien: 1. März 2003. / For the following states this is possible only if they are designated in the international application on or after the stated date: Slovak Republic, Bulgaria, Czech Republic and Estonia: 1 July 2002, Slovenia: 1 December 2002, Hungary: 1 January 2003 and Romania: 1 March 2003. / En ce qui concerne les Etats suivants seulement si la désignation a été effectuée dans la demande internationale à la date suivante ou à une date ultérieure: République slovaque, Bulgarie, République tchèque et Estonie: 1^{er} juillet 2002, Slovénie: 1^{er} décembre 2002, Hongrie: 1^{er} janvier 2003 et Roumanie: 1^{er} mars 2003.

<input checked="" type="checkbox"/> 11. Erstreckung des europäischen Patents Bei Zahlung der Erstreckungsgebühr(en) gilt diese Anmeldung auch als wirksamer Erstreckungsantrag für die in der internationalen Anmeldung bestimmten »Erstreckungsstaaten«. Es ist beabsichtigt, diese Gebühr(en) für folgende Staaten zu entrichten:	11. Extension of the European patent On payment of the extension fee(s) this application is also deemed to be a request for extension to all the "extension states" designated in the international application. It is intended to pay the fee(s) for the following states:	11. Extension des effets du brevet européen La taxe (les taxes) d'extension payée(s), la présente demande est également réputée être une demande d'extension à tous les «Etats autorisant l'extension» désignés dans la demande internationale. Il est envisagé de payer la taxe (les taxes) d'extension pour les Etats suivants:
<input type="checkbox"/> SI Slowenien " <input type="checkbox"/> LT Litauen <input type="checkbox"/> LV Lettland <input type="checkbox"/> AL Albanien <input type="checkbox"/> RO Rumänien " <input type="checkbox"/> MK Ehemalige jugoslawische Republik Mazedonien <input type="checkbox"/> —	Slovenia " Lithuania Latvia Albania Romania " Former Yugoslav Republic of Macedonia	Slovénie " Lituanie Lettonie Albanie Roumanie " Ex-République yougoslave de Macédoine
<p>1) Für Slowenien und Rumänien nur möglich, falls in der internationalen Anmeldung bis 30. November 2002 (Slowenien) oder bis 28. Februar 2003 (Rumänien) bestimmt. / For Slovenia and Romania this is possible only if they are designated in the international application up to 30 November 2002 (Slovenia) or 28 February 2003 (Romania). / En ce qui concerne la Slovénie et la Roumanie, seulement si la désignation a été effectuée dans la demande internationale jusqu'au 30 novembre 2002 (Slovénie) ou jusqu'au 28 février 2003 (Roumanie).</p> <p>2) Platz für Staaten, mit denen »Erstreckungsabkommen« nach Drucklegung dieses Formblatts in Kraft treten und die in der internationalen Anmeldung bestimmt waren. / Space for States with which "extension agreements" enter into force after this form has been printed and which were designated in the international application. / Prévu pour des Etats à l'égard desquels des «accords d'extension» entreront en vigueur après l'impression du présent formulaire et qui ont été désignés dans la demande internationale.</p>		
<p>12. Automatischer Abbuchungsauftrag (Nur möglich für Inhaber von beim EPA geführten laufenden Konten)</p> <p><input type="checkbox"/> Das EPA wird beauftragt, nach Maßgabe der Vorschriften über das automatische Abbuchungsverfahren fällige Gebühren und Auslagen vom untenstehenden laufenden Konto abzubuchen. In Bezug auf die Benennungsgebühren wird auf Feld 10.3 verwiesen. Das EPA wird ferner beauftragt, die Erstreckungsgebühren für jeden in Feld 11 angekreuzten »Erstreckungsstaat« bei Ablauf der Grundfrist zu ihrer Zahlung abzubuchen, sofern ihm nicht bis dahin ein anderslautender Auftrag zugeht.</p> <p>Nummer und Kontoinhaber</p>		
<p>12. Automatic debit order (for EPO deposit account holders only)</p> <p>The EPO is hereby authorised, under the Arrangements for the automatic debiting procedure, to debit from the deposit account below any fees and costs falling due. For designation fees, see Section 10.3. The EPO is also authorised, on expiry of the basic period for paying the extension fees, to debit those fees for each of the "extension states" marked with a cross in Section 11, unless instructed otherwise before the said period expires.</p> <p>Number and account holder</p>		
<p>12. Ordre de prélèvement automatique (uniquement possible pour les titulaires de comptes courants ouverts auprès de l'OEB)</p> <p>Par la présente, il est demandé à l'OEB de prélever du compte courant ci-dessous les taxes et frais venant à échéance, conformément à la réglementation relative au prélèvement automatique. Pour les taxes de désignation, se reporter à la rubrique 10.3. Il est en outre demandé à l'OEB de prélever, à l'expiration du délai normal prévu pour leur paiement, les taxes d'extension pour chaque «Etat autorisant l'extension» coché à la rubrique 11, sauf instruction contraire reçue avant l'expiration de ce délai.</p> <p>Numéro et titulaire du compte</p>		
<p>13. Eventuelle Rückzahlungen auf das beim EPA geführte laufende Konto</p> <p>Nummer und Kontoinhaber</p>		
<p>13. Any reimbursement to EPO deposit account</p> <p>Number and account holder</p> <p>2809.0002 Vereinigte</p>		
<p>13. Remboursements éventuels à effectuer sur le compte courant ouvert auprès de l'OEB</p> <p>Numéro et titulaire du compte</p>		
<p>14. Unterschrift(en) des (der) Anmelder(s) oder Vertreters</p> <p></p> <p>Ort / Datum</p> <p>Für Angestellte (Art. 133(3) EPÜ) mit allgemeiner Vollmacht:</p> <p>Nr.</p> <p>Name(n) des (der) Unterzeichneten bitte in Druckschrift wiederholen. Bei juristischen Personen bitte auch die Stellung des (der) Unterzeichneten innerhalb der Gesellschaft in Druckschrift angeben.</p>		
<p>14. Signature(s) of applicant(s) or representative</p> <p>Place / Date The Hague, July 21, 2006 For employees (Art. 133(3) EPC) having a general authorisation:</p> <p>No.</p> <p>Please print name(s) under signature(s). In the case of legal persons, the position of the signatory within the company should also be printed.</p>		
<p>14. Signature(s) du (des) demandeur(s) ou du mandataire</p> <p>O.L. Oudshoorn</p> <p>Lieu / Date</p> <p>Pour les employés (art. 133(3) CBE) disposant d'un pouvoir général :</p> <p>N°</p> <p>Le ou les noms des signataires doivent être indiqués en caractères d'imprimerie. S'il s'agit d'une personne morale, la position occupée au sein de celle-ci par le ou les signataires doit également être indiquée en caractères d'imprimerie.</p>		

SUPPLEMENTARY SHEET

Weiterer Vertreter – Additional representatives – Autres mandataires

EPO - DG 1

21 07. 2006

(59)

Mr Ir F.A. Dietz
Drs M.J. Hatzmann
Ir C.M. Jansen
Ir A.H.K. Tan
Drs H.A.M. Marsman
Drs J. Renes
Ir H.A. Witmans
Ir L.J.J. Jessen
Drs K.M.L. Bijvank
Ir B.Ch. Ledebuur
Dr L.J. de Haas
Mr Drs L.A.C.M. van Wezenbeek
Drs A.P. van Wijk
Dr Ir O.L. Oudshoorn
Dr M.P.W. Einerhand
Mr Drs J.C.C. van Melle
Ir M. van Rooij
Ir M.C. Molling
Drs S.T. van Doorn
Drs I.J. van Grieken-Plooster
Dr F. Schut